

## **Vermont Multi-Sector General Permit (MSGP) for Stormwater Discharges** *How Do Municipalities Comply?*

In August, the Vermont Agency of Natural Resources (ANR) released the much-anticipated details of its newest stormwater program – the Multi-Sector General Permit (MSGP). This permit, which is required under the federal Clean Water Act, covers new and existing discharges of stormwater from different sectors of industrial activity. The permit will be required for private and municipal “industries,” identified on the MSGP Standard Industrial Classification (SIC) code or activity code list, found in Table D-1 of the permit. It is important to note that there are no specific ins or outs with regard to municipalities as a group. Coverage under the MSGP depends on whether your municipal *activity* is covered under the permit.

The municipal activities that require coverage under the MSGP include wastewater treatment facilities with a design flow of one million gallons per day or more, municipally owned and operated landfills, and municipally owned and operated transfer stations that engage in vehicle maintenance or equipment cleaning operations. Municipalities may have other activities that fall under this permit, so it is important to look at the list. Stormwater discharges associated with municipal garages and salted sand piles are *not* covered under the MSGP *unless* they are located on the same or contiguous site as a regulated activity.

There are two ways to comply with the MSGP: (1) qualifying for a conditional exclusion for “No Exposure,” or (2) preparing a Stormwater Pollution Prevention Plan (SWPPP) and submitting a Notice of Intent (NOI) form. These procedures are described below.

### **Conditional Exclusion for “No Exposure”**

The first step in determining what you need to do if your municipality engages in an MSGP regulated activity is to find out whether you qualify for the so-called No Exposure conditional exclusion. No Exposure means that all industrial materials and activities are protected by a storm-resistant shelter that prevents exposure to rain, snow, snowmelt and runoff. In addition, in order to qualify for the No Exposure certification, you must be able to certify that you:

- Do not use, store or clean equipment such that the residuals are exposed to stormwater.
- Do not have material or residuals on the ground from spills, leaks, or past activities.
- Do not have inadequately maintained material handling equipment exposed to precipitation.
- Do not store materials or products outside that could be mobilized by stormwater.
- Do not store materials or wastes in exposed, deteriorating, or leaking containers.

Achieving a conditional exclusion for No Exposure is the least complicated method for complying with the MSGP requirements. For some regulated activities, incorporating good housekeeping practices and moving materials and activities indoors can help you obtain No Exposure status. Inactive municipal landfills may achieve No Exposure if they have: (1) closed in accordance with closure plans approved by the State; and (2) are currently performing or have completed post-closure care.

There is no permit fee for the No Exposure exclusion, and you only need to reapply once every five years. Even if it requires that you construct a permanent enclosure, qualifying for a No Exposure conditional exclusion could be well worth the expenditure. On the other hand, if you choose to construct shelters to cover materials and thus increase your impervious surface area, you may trigger other stormwater permits. It is advisable to contact the ANR's Stormwater Section before beginning this type of project, just to make sure.

### **Stormwater Pollution Prevention Plan (SWPPP)**

For some regulated municipal activities, it will be very difficult or impossible to claim No Exposure. When the standards for No Exposure certification cannot be met, you will need to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in advance of submitting a Notice of Intent (NOI) for permit coverage. A SWPPP (pronounced "swip") is a written plan describing how a regulated industry or municipality will keep pollutants from entering surrounding waters. Depending on the size and complexity of your regulated activities, you may need to use a professional engineer to prepare your SWPPP. Whether or not you write the SWPPP yourself, developing and putting the plan into action may involve considerable time and effort on the part of municipal personnel and /or consultants.

The basic components of a SWPPP are:

**1) Planning and Organization.** You will need to form a stormwater pollution prevention team that is responsible for developing and ensuring compliance with your municipality's SWPPP. The specific responsibilities for each individual on the team must be identified and listed in the SWPPP.

**2) Site Assessment.** The SWPPP must include a site map showing all receiving waters, stormwater discharge points and direction of flow, as well as all non-stormwater discharges, (i.e., process and wastewaters that should not be discharged to streams). Some bodies of water currently do not meet water quality standards (the so-called impaired waters), and what you can discharge into them is restricted. The locations and sources of stormwater running onto your site must also be evaluated. The site map must include the locations of all activities that are exposed to precipitation, such as fueling stations, equipment maintenance areas, liquid storage tanks, and locations of past spills. A summary of the potential pollutant sources (e.g. gasoline, crankcase oil and cleaning solvents) must be listed for each activity. You may already have an idea of potential pollutant sources at your site, especially if you have existing sampling data.

**3) BMP Identification.** Once you know what the potential pollutant sources at the facility are, you need to choose appropriate Best Management Practices (BMPs). BMPs are measures that you can take to keep pollutants from leaving your site. Structural BMPs can be built on the site and include physical structures like berms, settling ponds, oil-water separators and storm resistant shelters. Behavioral BMPs are practices and changes in the way employees perform their work, such as regular maintenance of vehicles and machinery, prohibition of certain activities, and spill prevention and response procedures.

**4) Implementation.** The SWPPP must be implemented by May 14, 2007. As the BMPs are identified, the stormwater pollution prevention team should be creating a schedule that sets goals

for putting them into place. The first steps toward implementation are employee training and regular inspections to assure that the BMPs are working.

**5) Evaluation and Monitoring.** There are several types of monitoring requirements your municipality may be subject to under this permit, depending on the type of activity that is regulated. These include visual inspections, benchmark monitoring and effluent limitations monitoring, as well as additional monitoring requirements for impaired waters. The SWPPP must include a plan for collecting samples and getting them analyzed. In addition to regular inspections, the MSGP requires that you perform an annual compliance evaluation of the entire site. Water quality monitoring and site evaluations will indicate whether the SWPPP is working. The SWPPP must be kept up to date, and for purposes of documenting compliance with the MSGP, all monitoring, inspections and plan revisions must be recorded.

### **Conclusion**

If any of your municipality's activities are listed in Table D-1 of the MSGP, you are required to seek coverage under the permit. If covered, it is important to evaluate the regulated activity to see if it is possible for your municipality to obtain a conditional exclusion for No Exposure. The benefits of No Exposure can be significant and might be worth the effort. Achieving No Exposure for your municipal activities is also an excellent way to prevent stormwater pollution. In some cases, simple changes such as incorporating good housekeeping procedures and moving materials and activities indoors or under shelters may be the key to bypassing the SWPPP process and the associated stormwater monitoring required for MSGP compliance.

For more information, contact Christy Witters, Vermont Water Quality Division, Stormwater Section, at 802/241-4582 or [christy.witters@state.vt.us](mailto:christy.witters@state.vt.us). You can also field questions through VLCT's Municipal Assistance Center by contacting Milly Archer, VLCT Water Quality Coordinator, at 800/649-7915 or [marcher@vlct.org](mailto:marcher@vlct.org).

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